

Remarks

Applicants hereby add new claims 22-27 which are supported at least by page 8, lines 4+ and lines 14+, page 9, lines 26+ and page 11, lines 23+ of the specification and Fig. 5.

Claims 1-4 and 7-20 stand rejected under 35 USC 103(a) for obviousness over U.S. Patent Publication No. 2003/0165137 A1 to Soloway in view of U.S. Patent Publication No. 2002/0186658 A1 to Chiu and U.S. Patent No. 7,167,443 to Dantu et al. Claims 5-6 and 21 stand rejected under 35 USC 103(a) for obviousness over Soloway in view of Chiu and Dantu and further in view of U.S. Patent Publication No. 2005/0117512 A1 to Vasseur.

Applicants respectfully request reconsideration of the rejections.

Referring to the 103 rejection of claim 1, Applicants respectfully submit that positively-recited limitations of the claims are not disclosed nor suggested by the teachings of the numerous references relied upon by the Office and the rejection is in error for at least this reason.

The method of independent claim 1 recites *selecting a set of paths exiting at the oversubscribed port for retagging*. The Office relies upon the teachings in paragraphs 0040 and 0042 of Soloway as allegedly teaching the above-recited limitations. However, these paragraphs are void of any reference to selection of a set of paths let alone selection of a set of paths for retagging as claimed.

Applicants respectfully submit the claimed limitations of selecting a set of paths exiting at the oversubscribed port for retagging are not disclosed nor suggested by the teachings of the numerous prior art references taken alone or in combination and the 103 rejection is in error for at least this reason.

Applicants respectfully request allowance of claim 1 in the next Action.

Applicants also note that the Office is inconsistent as to the alleged teachings of the prior art. In particular, at page 2 of the Office Action, the Office alleges that Soloway discloses retagging of received packets. At page 3 of the Office Action, the Office then states that Soloway and Chiu combined fail to explicitly describe retagging the received packets and the Office relies upon Dantu to cure the deficiencies of Soloway and Chiu. Clarification of the prior art teachings relied upon in support of any rejection of claim 1 is requested if claim 1 is not allowed in the next Action.

Referring to independent claim 12, the packet switch apparatus comprises a *switch controller configured to select a set of paths exiting at the oversubscribed port for retagging*. The numerous prior art references taken alone or in combination are void of teaching the claimed switch controller configured to select a set of paths exiting at the oversubscribed port let alone to select the set of paths for retagging as claimed.

Applicants respectfully submit the limitations of the claimed switch controller are not disclosed nor suggested by the teachings of the numerous prior art references taken alone or in combination and the 103 rejection is in error for at least this reason.

Applicants respectfully request allowance of claim 12 in the next Action.

Referring to independent claim 16, the claim recites that a plurality of switches in the mesh are individually configured to select a set of paths exiting at the oversubscribed port for retagging. The numerous prior art references fail to disclose the above-recited limitations of the switches individually configured to select a set of paths exiting at the oversubscribed port let alone to select the set of paths for retagging as explicitly claimed.

Applicants respectfully submit the limitations of the claimed switches are not disclosed nor suggested by the teachings of the numerous prior art references taken alone or in combination and the 103 rejection is in error for at least this reason.

Applicants respectfully request allowance of claim 16 in the next Action.

The pending dependent claims are in condition for allowance for the reasons discussed above with respect to the respective independent claims from which they depend as well as for their own respective features which are neither shown nor suggested by the cited art

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,
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By: _____

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